

# DOCKET SECTION

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY  
Docket No. R97-1

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POSTAL RATE AND FEE CHANGES, 1997

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**OPPOSITION OF THE UNITED STATES POSTAL SERVICE  
TO DAVID POPKIN MOTION TO COMPEL  
FURTHER RESPONSES TO DBP/USPS-6(n&r), 7(l), 52(o), 58(a,d&k)  
(December 11, 1997)**

The United States Postal Service hereby files this opposition to those portions of the November 20, 1997, motion of David Popkin which seek to compel further responses to the following interrogatories: DBP/USPS-6(n&r), 7(l), 52(o), and 58 (a,d&k). For the reasons stated below, the motion should be denied.

**DBP/USPS-6(n)**

Grounds for denial of Mr. Popkin's motion to compel a further response to this interrogatory are discussed in detail in the Postal Service's December 11, 1997, Opposition To Motion By Douglas Carlson To Compel A Further Response to the same interrogatory. The Commission's attention is invited to that pleading.

On his own behalf, Mr. Popkin argues that the interrogatory requests "information on the value of collection schedules." It asks the Postal Service to confirm whether there are instances where the time shown on a collection box label is "deliberately made well before the actual collection box time . . . so as to reduce the likelihood of the collection box being collected early." The question of whether some post office has established a collection box pickup time deliberately for the purpose of reducing the likelihood of early collection is a question that would require a field survey which the Postal Service has not conducted. Such a survey would require that the Postal Service go from post office to post office to examine local records relating to the establishment

of pickup times for particular collection boxes and that it interview responsible post office managers and other personnel. Assuming such a survey were initiated, the purposes of DBP/USPS-6(n) apparently would be served as soon as the Postal Service found an instance of the phenomenon described in the interrogatory, since the question only seeks to determine that it happens somewhere.

According to Mr. Popkin, this lone report would provide "information on the value of collection schedules." The Postal Service believes that the burden of undertaking such a survey for the purpose of confirming that there is a misalignment between a posted and an actual collection box pickup time at some post office far outweighs any value such trivia could provide to these proceedings -- even on the issue of "the value of collection schedules", whatever that means, and however Mr. Popkin believes it to relate to the costing and pricing issues before the Commission in this proceeding. Accordingly, the Postal Service should not be compelled to provide a response beyond the one it filed on November 14, 1997.

The Postal Service is willing to stipulate that there are one or more posted collection box times which are sufficiently earlier than the actual collection times such that the former could be said to occur "well before" the latter, within the meaning of DBP/USPS-6(n).<sup>1</sup>

#### **DBP/USPS-6(r)**

This question asks whether the scenario alluded to in subpart (n) would meet the requirements of Postal Operations Manual §§ 313.2 and 313.3. The Postal Service's November 14, 1997, response to subpart (r), indicated that a situation which appeared to Mr. Popkin to be of the sort cryptically alluded to in the question in subpart (n) might

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<sup>1</sup> The Postal Service is unwilling to stipulate that any such occurrence is "deliberate."

not violate the POM and that any particular situation would have to be judged on its own merits, in light of all relevant facts. Before deciding whether an actual situation alleged by Mr. Popkin to be a violation of the POM is in violation, the Postal Service would examine all relevant facts, not just characterizations offered by Mr. Popkin, or anyone else for that matter. That is all that is intended to be conveyed by the response. Could some situation violate the POM? Yes. Putting aside whether rate discovery is an appropriate forum for exploring whether particular postal operations conform to policy, the Postal Service did the best it could with the question before it. Maybe it should have objected. Mr. Popkin's motion, like his interrogatory, is a puzzle. The Postal Service considers that it has dispatched its obligation with respect to this interrogatory.

**DBP/USPS-7(I&m)**

In combination, these interrogatories ask the Postal Service to enumerate any changes in First-Class Mail delivery standards which have occurred since Docket No. N89-1. The Postal Service's November 14, 1997, response indicated that no changes of national significance had taken place.

As indicated in the Rule 54(n) compliance statement filed in support of the request in this proceeding, the delivery standards for First-Class Mail are still 1, 2 and 3 days, depending on 3-digit Zip Code origin-destination pairs. The allusion to changes "of national significance" was intended to indicate that no national (or widespread) changes in service commitments had occurred, but to concede the possibility that over the past seven years, a change in mail processing or transportation arrangements could have resulted in a decision to effect an isolated change in the delivery commitment between some ZIP Code origin-destination pair. The Postal Service does not have sufficient continuity of records going back to 1990 to be able to rule out this

remote possibility. Rather than deny this remote possibility, the Postal Service responded to the interrogatory by trying to indicate that nothing approaching the magnitude of the Docket No. N89-1 delivery commitment changes had occurred. In any event, *there has been no change in service standards, as confirmed by the compliance statement.* The question asked has been answered. For the reasons explained above, further elaboration of the response is impossible and unnecessary.

**DBP/USPS-52(o)**

In combination with subpart (n), which asks whether the Postal Service has considered having a Standard Mail regular subclass classification and rate for cards, this interrogatory asks: "If so, why was it not adopted in this docket? If not, why not?"

The Postal Service responded to subparts (n) and (o) on November 14, 1997, by indicating that no consideration had been given to such a proposal in connection with this or previous omnibus cases.

The Postal Service assumes that the motion to compel relates to the "If not, why not?" portion of subpart (o). The Postal Service also assumes that no one besides Mr. Popkin has trouble understanding that a proposal which was not the subject of consideration by the Postal Service, by virtue of that characteristic, will not find its way in a Postal Service rate request. If Mr. Popkin wants to know why no one with rate and classification development responsibilities thought about such a proposal, there is no answer which the Postal Service can provide. They were all thinking of other things.

The Postal Service considers that on November 14, 1997, it gave Mr. Popkin the best answer he can expect to receive, given the question he asked.

**DBP/USPS-58(a)**

This question sought confirmation (or an explanation of nonconfirmation) of Mr. Popkin's assertion that the "normal method utilized . . . to determine whether a regular

sized letter has the proper postage on it is a completely automated one based on the recognition of phosphor ink on the stamp.”

The Postal Service’s November 14, 1997, response was a non-confirmation. Mr. Popkin’s motion seeks an explanation. Mr. Popkin is reminded that the technology he alludes to only indicates whether the envelope bears a stamp which has phosphor ink. All stamps in excess of 10 cents in value contain the ink. The ink recognition technology does not differentiate, for instance, between 15-, 20-, 22-, 25-, 29- or 32-cent stamps. Therefore, it does not determine whether the postage affixed is proper. That process relies on visual examination by employees, which is not an automated function. For further explanation of methods used to detect short paid mail, see the December 8, 1997, response to DBP/USPS-94.

**DBP/USPS-58(k)**

This question, in concert with subpart (j) (which inquires whether the Postal Service has conducted any tests to determine the extent to which mail is short paid), asks: “If so, provide copies of any tests conducted in the past five years.”

The Postal Service responded on November 14, 1997, by indicating that no tests were conducted to determine the extent of short paid First-Class Mail on a nationally representative basis. Examinations by mail acceptance and processing employees checking for short paid mail in bulk mail acceptance or at delivery units or at other points in the mainstream do not constitute tests designed to measure the extent of short paid mail any more than daily police work is a test designed to measure the extent of crime. Accordingly, the Postal Service’s response to this interrogatory indicated that instead of conducting tests to measure the extent of short paid mail nationwide, it relies upon estimates generated by its data systems. The Postal Service’s response provided the estimates generated by those systems. The Postal Service has responded as fully

as possible to this interrogatory.

**DBP/USPS-58(d)**

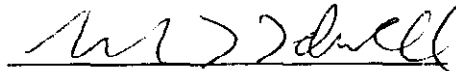
In combination with subpart (c), which asked the Postal Service to confirm that all postage stamps issued in the past 20+ years have phosphor ink on them except for recently issued stamps with a face value of less than 10 cents, subpart (d) asks: "At what point did the Postal Service eliminate the addition of phosphor ink on stamps with a value of less than 10 cents?"

The Postal Service's November 14, 1997, response indicated that further research was necessary to determine a precise answer to this question. The persons who were contacted originally in response to this interrogatory did not collectively possess sufficient institutional memory to be able to permit a precise response. Other persons have been contacted, who have suggested additional potential sources of responsive information, who, in turn, have yet to be heard from, but who are expected to be heard from imminently. As soon as they relay information sufficiently precise to constitute a response to the interrogatory, a revised response will be filed.

Respectfully submitted,

UNITED STATES POSTAL SERVICE  
By its attorneys:

Daniel J. Foucheaux, Jr.  
Chief Counsel, Ratemaking

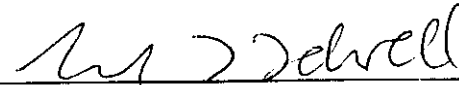


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December 11, 1997

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.

  
Michael T. Tidwell

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